REMARKS

Reconsideration and allowance of the subject application are respectfully requested. Claims 1-2 and 6-30 remain pending, claims 1, 2, 9-18, and 23-26 having been withdrawn from consideration. Claims 23-26, depending from claim 6, are subject to rejoinder.

Prior Art Rejection

Claims 6-8, 19-22, and 27-30 stand rejected under 35 U.S.C. § 102 as allegedly being anticipated by *Shimoda* (U.S. Patent 5,440,345). This rejection, insofar as it pertains to the presently pending claims, is respectfully traversed.

As evident for example from the Office Action dated December 12, 2002, the Examiner has previously relied on *Shimoda* as a secondary reference in relation to the incremental features of certain dependent claims. For the first time, *Shimoda* is now being relied on as a sole reference for rejecting each considered claim under 35 U.S.C. § 102. Although it is unclear why such a rejection is being made now, for the first time, Applicants respectfully submit that *Shimoda* fails to anticipate or otherwise render unpatentable any pending claim of the present application for at least the following reasons.

Independent claim 6 is directed to a digital VTR for magnetically recording and replaying a digitally transmitted bit stream in a predetermined recording format. As amended herein,

independent claim 6 comprises: an input means receiving a bit stream, the bit stream including intra coded picture data and inter coded picture data representing encoded transformation coefficients and arranged in transport packets; division number setting means, responsive to the bit stream input including a predetermined number M of transport packets as a unit, wherein M is an integer, wherein N sync blocks are related to the transport packets such that N is not equal to M, and wherein N is an integer; the division number setting means setting a division number so that M transport packets are divided into N sync blocks to form the recording format; header appending means for generating a first header for each of the M transport packets and appending the first header to each of the M transport packets; and format forming means for forming N consecutive sync blocks from the data after the division of the bit stream.

Thus, the recording technique specified in claim 6 receives a bit stream that includes intra coded picture data and inter coded data representing encoded transformation coefficients and arranged in transport packets. Such a received bit stream of transport packets is formatted into sync blocks for a recording operation, such that M transport packets are divided into N sync blocks (where N is not equal to M). The apparatus of claim 6 includes header appending means for generating a first header for each of the M

11

transport packets and appending the first header to each of the M transport packets. Although the Examiner's rejection refers to figures in diverse embodiments of *Shimoda*, as best understood, the Examiner's rejection of claim 6 is based on features of the embodiment illustrated in Fig. 5, in which MPEG data is arranged for recording by a VCR. Although this embodiment generates a sync/ID signal header for packets of length suitable for recording on the recording tape, the recording formatting apparatus of *Shimoda* does not generate and append a header for each transport packet of a received bit stream that includes intra coded picture data and inter coded data.

According to MPEP § 2131, "a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the . . . claims." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913 (Fed. Cir. 1989).

At least in view of the above, Applicants respectfully submit that *Shimoda* fails to anticipate claim 6 or any claim depending therefrom. Independent claim 27, and claim 30 depending therefrom, define over *Shimoda* based on similar reasoning.

Independent claim 7 is directed to a digital VTR for magnetically recording and replaying a digitally transmitted bit stream in a predetermined recording format. The apparatus of claim 7 comprises: an input means receiving a bit stream, the bit stream including intra coded picture data and inter coded picture data representing encoded transformation coefficients and arranged in transport packets; data identification means for decoding header information of the input bit stream; data extracting means for extracting, from the input bit stream, a series of encoded data of image blocks used for fast replay, based on the decoded header information; decoding means for decoding the series of coded data of the input bit stream and for outputting a transformation coefficient belonging to the decoded data; coefficient counting means for counting the number of transformation coefficients; and data reducing means for receiving the coefficient count number from the coefficient counting means and for controlling the data extracting means in such a way that the data length of the extracted, coded data of an integer number of image blocks is reduced to a data amount which can be recorded in K sync blocks in the predetermined format, wherein K is a positive integer.

Thus, the arrangement of claim 7 requires extracting and decoding transformation coefficients from the input bit stream and controlling a data extracting means that extracts, from the input

bit stream, a series of encoded data of image blocks used for fast replay, based on the decoded header information, in such a way that the data length of the extracted, coded data of an integer number of image blocks is reduced to a data amount which can be recorded in K sync blocks in a predetermined format. Such an arrangement is neither taught nor suggested by *Shimoda*.

At least for this reason, independent claim 7 and all claims depending therefrom are patentable over *Shimoda*. Independent claim 28 defines over *Shimoda* based on similar reasoning.

In view of the above, Applicants respectfully request reconsideration and withdrawal of the Examiner's rejection under 35 U.S.C. § 102.
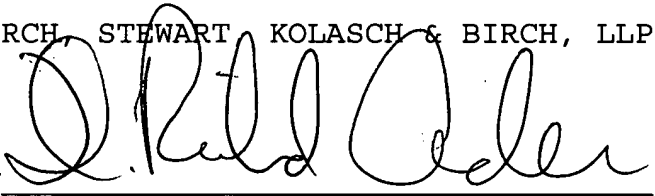
Conclusion

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned at the telephone number below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By_____
D. Richard Anderson, #40,439

DRA/jdm
1190-0456P

P.O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000

15